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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,595	09/21/2001	Bob M. Dobbins	801.0004	5427
27997	7590	03/13/2006	EXAMINER	
PRIEST & GOLDSTEIN PLLC 5015 SOUTHPARK DRIVE SUITE 230 DURHAM, NC 27713-7736			FISCHETTI, JOSEPH A	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/960,595	DOBBINS, BOB M.
	<b>Examiner</b>	<b>Art Unit</b>
	Joseph A. Fischetti	3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 21 December 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 26-30 and 109-121 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 26-30 and 109-121 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Authorization for this examiner's amendment was given in a telephone interview with Atty. Priest on 2/27 2006.

In claims 26 and 121, delete the phrase "or to adopt updating changes within the controller without the need to open the safe or have access to the storage cassette".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26,27,28,29,30,109-121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al in view of Martin et al. and Graves et al.

Brooks et al disclose an electronic safe system comprising: a plurality of electronic drop safes (24,24) located within a local area store area); and a network connecting said plurality of safes into a local area network (network 22 established by host computer 43), each safe in the local area network including comprising: a bill acceptor (44) mounted within the safe: a controller (36,36') controlling and tracking operation of

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said safe, interfacing with the bill acceptor, and controlling communication (controller 36 updates host computer 43 when it counts, interfaces, with a drop at the acceptor 44; and a the bill acceptor interfacing (see col. 6 lines 7-9) with the controller and operating to determine denominations of bills as they are inserted into the bill acceptor (see col. 8 bills must successfully pass through the acceptor 44) and store said bills in a storage cassette inside the safe (once successfully accepted by the acceptor 44 the bills are stored in canister 46).

However, Brooks fails to disclose at least one of the bill acceptor and the controller having firmware which is updatable through the wireless network to allow new or improved bills to be accepted, new or improved anti-counterfeiting techniques to be incorporated or to adopt updating changes within the controller without the need to open the safe or have access to the storage cassette.

But Martin et al. discloses a currency acceptor with collection canisters 66a,66b, and has discriminator portion 123 which is connected to a controller computer 290 for determining whether the involved currency is counterfeit col. 7 line 63 (non coin determination made) and identifies by denomination. The computer associated with currency acceptor as set forth in Fig 32 and as described in col. 26 lines 5-17 has firmware associated with the discriminator portion of the currency acceptor which is updatable remotely e.g. updates without need to open the safe as evidenced by:

programming and data for the microcontroller are stored in memory which may include normal random access memory (RAM) 3222, non-volatile random access memory such as flash memory, static memory and the like 3224, and read-only memory 3226 which may

include programmable and/or electronically erasable programmable read-only memory (EEPROM). *In one embodiment, microprocessor firmware can be downloaded from a remote location via the host computer.*

In addition, Martin discloses remotely adjusting the controller to update the definition of the regions examined on the currency as evidenced by:

In one embodiment, the apparatus in which the coin discrimination device is used may be provided with a communication device such as a modem 25 (FIG. 41) and may be configured to permit the definition of the regions 1002a-1002e, 1002a'-1002e' or other data or software to be modified remotely (i.e., to be downloaded to a field site from a central site).

While Martin et al disclose a currency acceptor having a controller which has firmware and is remotely programmable to adapt the device to changing characteristics in the discrimination process, it is directed to coins rather than bills and does not explicitly disclose updating to allow network to accept new bill or to load improved anti-counterfeiting techniques, even those the disclosure of reconfiguring the definitions of indicia of the coin could be capable of being used as an anti-counterfeiting tool, e.g. testing the center of the coin for a hole in the case of foreign currency. However, Graves et al. disclose updating currency discrimination machines by changing the sensor sensitivity level on the currency discrimination machines to better detect counterfeit \$100 bills.

It would be obvious to modify Brooks using the teachings of both Martin et al. and Graves to provide the bill acceptor in Brooks with sensors which would discriminate as taught by Graves et al. against bogus and good bills and to cause the sensors to be updated through the remote communications link as discussed in cols. 26 and 41 in Martin et al. in order to invoke new anti-counterfeiting techniques e.g. change of sensor sensitivity the motivation being that both

Martin and Graves update in response to data collected and stored in computer memory on the currency previously discriminated and this would provide Brooks with a counterfeiting deterrent in almost a real time condition.

RE claims 27,29,119,120: Whether communication is done hardwired or wireless is not deemed to be a patentable distinction and a matter of design choice. Even still, Fig. 1b in Graves et al. disclose nodes which gather information and send this information and send it along to a host 206.

RE claim 28: host 206 monitors the cash machines 200a-n. The motivation is herein restated.

RE claim 30: host controllers 206 can be arranged in a network external to local network 205/204.

RE claims 109-114: these claims fail to recite any structural limitations further defining the article claims. Notwithstanding the proposed combination does update through the wireless connection between host 206 and sub-controllers 204. Col. 9 line 11 discloses updating the bill acceptor to cover newer bills which inherently would need to be an algorithm. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention over the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See, *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

RE claims 115-118 Brooks discloses interface 36 which requires a PIN, official notice is taken regarding the use of RF ID and the use of a PDA as a user interface.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number 571 272 6780.

*Joseph A. Fischetti*  
JOSEPH A. FISCHETTI  
Primary Examiner  
Art Unit 3627